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### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE (Case No. 05-530)

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| ) Group Art Unit: Unknown             |
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| ) Examiner: Not Assigned              |
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Commissioner for Patents

P.O. Box 1450

Arlington, Virginia 22313-1450

#### TRANSMITTAL LETTER

Sir:

In regard to the above identified application:

- 1. We are transmitting herewith the attached:
  - a. Information Disclosure Statement
  - b. Statement of Relevancy of Foreign Language Reference
  - c. Copy of Cited Non-U.S. Patent References
  - d. Return Receipt Postcard
- With respect to additional fees:
  - a. Attached is a check in the amount of \$-0-
- 3. Please charge any additional fees or credit overpayment to Deposit Account No.13-2490. A duplicate copy of this sheet is enclosed.
- Co. 4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 22nd day of November, 2005.

Respectfully submitted,

By:

A. Blair Hughes Reg. No. 32,901

McDONNELL BOEHNEN, HULBERT & BERGHOFF LLF 300 SOUTH WACKER DRIVE CHICAGO, ILLINOIS 60606 TELEPHONE (312) 913-0001

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PATENT

| ln re A | pplication of:   | )           |  |
|---------|--|-------------|--|
| Guit    | tet et al.   | )           |  |
| Serial  | No.: 10/540,444  | )           | Group Art Unit: Unknown  Examiner: Not Assigned  |
| Filed:  | June 22, 2005  | )           | , and the second |
| For:    | Scoring Estrogen and Progesterone<br>Receptors Expression Based on<br>Image Analysis | )<br>)<br>) |  |

#### Statement of Relevancy of a Foreign Language References

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir:

The Mink et al. "Einstaz der computergestutzen Bilanalyse zur Erfassung des immunhistochemischen Rezeptorstatus beim Mammakarzinom" reference, which is cited in an Information Disclosure Statement by Applicant filed contemporaneously with this Statement, is being supplied in a language other than in English. The relevancy of the foreign language reference is identified in the European Search Report issued by the European Patent Office in a corresponding European Patent (a copy of which are hereto) which identifies the reference as an "A" reference with respect to claims 1-27 meaning it is a "document defining the general state of the art which is not considered to be of particular relevance".

By:

Respectfully submitted,

McDONNELL BOEHNEN HULBERT &

DENOTION FEET

A. Blair Hughes Reg. No. 32,901

Dated: November 22, 2005

McDONNELL BOEHNEN HULBERT & BERGHOFF LLP

300 South Wacker Drive Chicago, Illinois 60606

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## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet | 1 | of | 3

/Anthony Mackowey/

Signature

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|------------------------|---------------------------------------|----------------|--|--|--|
| Complete if Known      |                                       |                |  |  |  |
| Application Number     | 10/540,444                            |                |  |  |  |
| Filing Date            | June 22, 2005                         |                |  |  |  |
| First Named Inventor   | Guittet                               |                |  |  |  |
| Art Unit               | Unknown                               |                |  |  |  |
| Examiner Name          | Not Assigned                          |                |  |  |  |
| Attorney Docket Number | 05.520                                |                |  |  |  |

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| U. S. PATENT DOCUMENTS |              |   |                                |  |   |  |  |
|------------------------|--------------|---|--------------------------------|--|---|--|--|
| Examiner<br>Initials*  | Cite<br>No.1 | Document Number                         | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |  |  |
|                        |              | Number-Kind Code <sup>2 (F known)</sup> |                                |  | Figures Appear  |  |  |
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| Cite<br>No.1 | Foreign Patent Document   | Publication<br>Date | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines,<br>Where Relevant Passages |    |
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|              | Country Code <sup>3</sup> "Number <sup>4</sup> "Kind Code <sup>5</sup> (if known)  MM-DD-YYYY | MM-DD-YYYY          |  | Or Relevant Figures Appear                        | T٩ |
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| Substitute for form 1449/PTO      |                        | Complete if Known |
|-----------------------------------|------------------------|-------------------|
|                                   | Application Number     | 10/540,444        |
| INFORMATION DISCLOSURE            | Filing Date            | June 22, 2005     |
| STATEMENT BY APPLICANT            | First Named Inventor   | Guittet           |
| (Use as many sheets as necessary) | Art Unit               | Unknown           |
| (osc as many should be necessary) | Examiner Name          | Not Assigned      |
| Sheet 2 of 3                      | Attorney Docket Number | 05-530            |

|                       |              | NON PATENT LITERATURE DOCUMENTS   |                |
|-----------------------|--------------|---|----------------|
| Examiner<br>Initials* | Cite<br>No.1 | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T <sup>2</sup> |
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| Examiner<br>Signature |  | Date<br>Considered                    | 02/29/2008                    | , l     |
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PTO/SB/08B (07-05)

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| Substitu               | ute for form 1449/PTO |           |           |                        | Complete if Known |     |
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| Odosiii                | 10 10 10 11 14401 10  |           |           | Application Number     | 10/540,444        |     |
| INF                    | ORMATION              | I DIS     | CLOSURE   | Filing Date            | June 22, 2005     | *** |
| STATEMENT BY APPLICANT |                       |           |           | First Named Inventor   | Guittet           |     |
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|                        | (Use as many an       | 1013 03 1 | ecessary) | Examiner Name          | Not Assigned      |     |
| Sheet                  | 3                     | of        | 3         | Attorney Docket Number | 05-530            |     |

|                       |                          | NON PATENT LITERATURE DOCUMENTS  |        |
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| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETITERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T²     |
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| Signature     | /Anthony Mackowey/  | Considered                    | 02/29/2008                           |
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